



ALSTON & BIRD

CPSC Recall Snapshot

2016 YEAR IN REVIEW

THE YEAR IN REVIEW OF CONSUMER PRODUCT RECALLS AND CIVIL PENALTIES ANNOUNCED BY THE CPSC IN 2016

Welcome to the Alston & Bird 2016 *CPSC Recall Snapshot Year in Review*.

How did the activity by the CPSC in 2016 compare to that of 2015? As noted in our *CPSC Year in Review*, the CPSC issued its largest civil penalty in history – the largest amount allowed by law – in 2016 and increased the overall annual total for civil penalties by almost \$16 million. In addition, the number of products recalled in 2016 was unprecedented. Almost 250 million products were recalled in 2016, compared with just under 31 million in 2015. And although the major product category for recalls remained children's products with 73 recalls in 2016, housewares was a close second with 72.

In this current political climate, it is difficult to predict how things may change at the CPSC in 2017. If 2016 is any indication, however, the CPSC will continue to aggressively pursue recalls and civil penalties for the foreseeable future – at least until the Trump Administration appoints a new commissioner and the CPSC shifts from a Democratic to Republican majority.

Click [here](#) to subscribe to the *Snapshot*. For additional information or questions about CPSC issues, please email me at jenifer.keenan@alston.com.

Sincerely,

[Jenifer Keenan, Esq.](#)

Editor



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CPSC Recall Snapshot

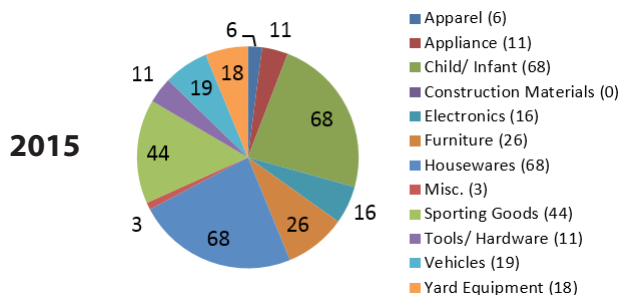
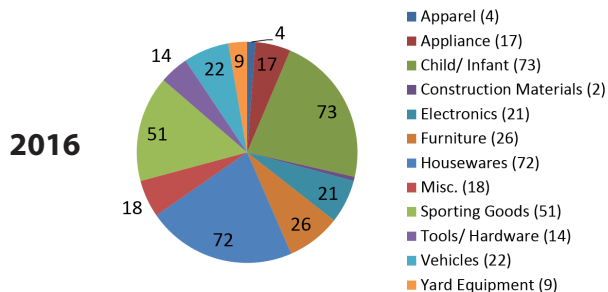
2016 YEAR IN REVIEW

THE YEAR IN REVIEW OF CONSUMER PRODUCT RECALLS AND CIVIL PENALTIES ANNOUNCED BY THE CPSC IN 2016

NUMBER OF RECALLS BY PRODUCT CATEGORY IN 2016

| MONTH | Apparel | Appliance | Child/ Infant | Construction Materials | Electronics | Furniture | Housewares | Misc. | Sporting Goods | Tools/ Hardware | Vehicles | Yard Equipment | Monthly Total |
|--------------|----------|-----------|---------------|------------------------|-------------|-----------|------------|-----------|----------------|-----------------|-----------|----------------|-----------------------|
| Jan | 0 | 0 | 7 | 0 | 3 | 5 | 8 | 0 | 1 | 0 | 2 | 0 | 26 |
| Feb | 0 | 3 | 6 | 0 | 3 | 2 | 6 | 1 | 5 | 0 | 1 | 0 | 27 |
| March | 0 | 1 | 2 | 0 | 5 | 2 | 9 | 0 | 6 | 2 | 1 | 0 | 28 |
| April | 3 | 0 | 6 | 0 | 2 | 2 | 1 | 0 | 2 | 3 | 3 | 1 | 23 |
| May | 0 | 2 | 9 | 0 | 0 | 2 | 7 | 0 | 9 | 4 | 2 | 0 | 35 |
| June | 1 | 0 | 8 | 0 | 2 | 2 | 6 | 0 | 3 | 3 | 1 | 1 | 27 |
| July | 0 | 2 | 9 | 0 | 1 | 1 | 7 | 11 | 2 | 0 | 2 | 0 | 35 |
| Aug | 0 | 2 | 7 | 1 | 0 | 2 | 6 | 2 | 4 | 1 | 1 | 1 | 27 |
| Sept | 0 | 1 | 2 | 0 | 2 | 2 | 2 | 0 | 4 | 0 | 3 | 2 | 18 |
| Oct | 0 | 1 | 9 | 0 | 2 | 5 | 4 | 0 | 5 | 1 | 0 | 1 | 28 |
| Nov | 0 | 4 | 1 | 0 | 0 | 1 | 12 | 1 | 7 | 0 | 4 | 1 | 31 |
| Dec | 0 | 1 | 7 | 1 | 1 | 0 | 4 | 3 | 3 | 0 | 2 | 2 | 24 |
| TOTAL | 4 | 17 | 73 | 2 | 21 | 26 | 72 | 18 | 51 | 14 | 22 | 9 | 2016 Total 329 |

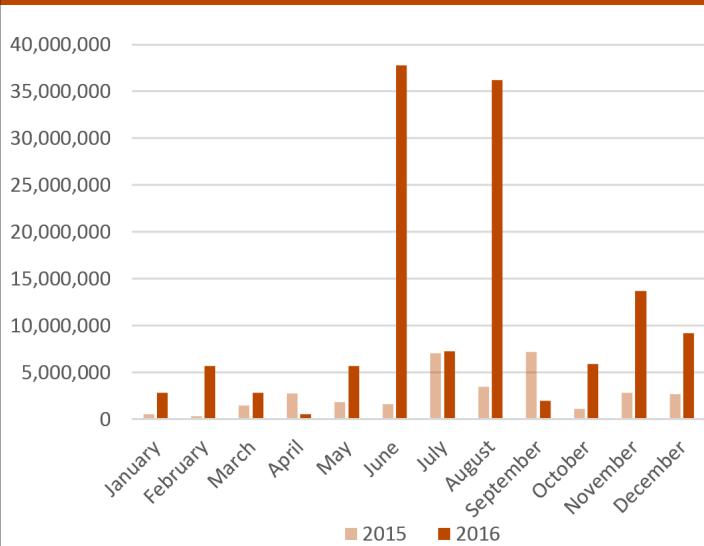
COMPARISON OF THE NUMBER OF RECALLS BY PRODUCT CATEGORY BETWEEN 2015 & 2016



CHANGE BY PRODUCT CATEGORY FROM 2015

| Category | Change |
|------------------------|-----------|
| Apparel | -2 |
| Appliance | 6 |
| Child/Infant | 5 |
| Construction Materials | 2 |
| Electronics | 5 |
| Furniture | 0 |
| Housewares | 4 |
| Misc. | 15 |
| Sporting Goods | 7 |
| Tools/Hardware | 3 |
| Vehicles | 3 |
| Yard Equipment | -9 |
| ALL CATEGORIES | 39 |

NUMBER OF PRODUCTS RECALLED IN 2015 & 2016



NUMBER OF PRODUCTS RECALLED IN 2015 & 2016

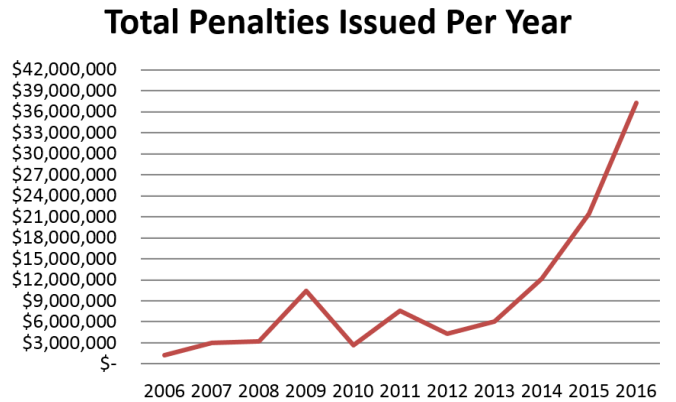
| Month | 2015 | 2016 |
|--------------|-------------------|--------------------|
| January | 520,035 | 2,806,638 |
| February | 295,320 | 5,657,797* |
| March | 1,481,710 | 2,823,423 |
| April | 2,767,630 | 499,055 |
| May | 1,809,700 | 5,705,142 |
| June | 1,596,699 | 37,762,767 |
| July | 7,048,970 | 7,259,235 |
| August | 3,471,081 | 36,215,433 |
| September | 7,166,635 | 1,941,330 |
| October | 1,125,873 | 5,886,656 |
| November | 2,787,836 | 13,700,730 |
| December | 2,672,029 | 9,150,427 |
| TOTAL | 30,739,413 | 247,408,633 |

* Does not include product recall of 118 million gallons

MONTHLY CIVIL PENALTIES IN 2016

| Month | Civil Penalty |
|--------------|---------------------|
| January | 0 |
| February | 0 |
| March | \$15,450,000 |
| April | 0 |
| May | 0 |
| June | 8,250,000 |
| July | 0 |
| August | 0 |
| September | 5,550,000 |
| October | 3,800,000 |
| November | 4,250,000 |
| December | 0 |
| TOTAL | \$37,300,000 |

CIVIL PENALTIES PER YEAR



COMPARISON OF CIVIL PENALTIES IN 2015 & 2016

| 2015 | 2016 | Change from 2015 to 2016 |
|---------------|---------------|--------------------------|
| \$ 21,400,000 | \$ 37,300,000 | + \$ 15,900,000 |

ALSTON & BIRD

Alston & Bird helps companies navigate the CPSC’s complex regulations—from testing, to labeling, to recalls—and everything in between. We also help companies monitor and respond to complaints submitted to the CPSC’s consumer complaint database, www.SaferProducts.gov. For additional information or questions about recalls, the SaferProducts.gov database or other CPSC issues, please email jennifer.keenan@alston.com or visit the firm’s website at www.alston.com.

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